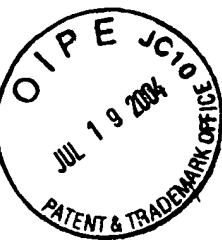


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## TRANSMITTAL FORM

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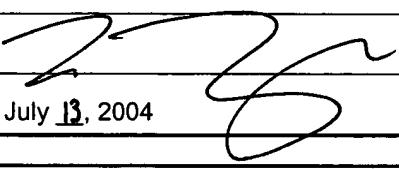
Total Number of Pages in This Submission 12 pages  
+ 9 refs.

Application Number	10/829,019
Filing Date	April 20, 2004
First Named Inventor	Jamy GANNOE
Art Unit	3731
Examiner Name	Not Yet Assigned
Attorney Docket Number	514362000910

### ENCLOSURES (Check all that apply)

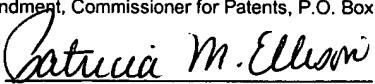
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Form PTO-1449 + duplicate copy - 8 pages
<input checked="" type="checkbox"/> Information Disclosure Statement - 3 pages	<input type="checkbox"/> CD, Number of CD(s)	Nine (9) references
<input type="checkbox"/> Certified Copy of Priority Document(s)		Return receipt postcard
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
	<b>Remarks</b>	

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP Mika Mayer - 47,777	(Customer No. 25226)
Signature		
Date	July 13, 2004	

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 15 2004

Signature:  (Patricia M. Ellison)



**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

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Patricia M. Ellison

Patricia M. Ellison

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Jamy GANNOE et al.

Serial No.: 10/829,019

Filing Date: April 20, 2004

For: **METHOD AND DEVICE FOR USE IN  
TISSUE APPROXIMATION AND  
FIXATION**

Examiner: Not Yet Assigned

Group Art Unit: 3731

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references numbered 2 - 4, 6, 8-12, 25, 31, 41, 42, 49, 52, 53, 56, 60, 63, 64, 68, 79, and 82 are not submitted. Copies of foreign documents numbered 83, 85, 89, 90, and 92 - 96 are submitted

herewith. However, copies of the remaining documents cited in the attached Form PTO-1449 were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial Number 10/188,547, filed July 2, 2002, and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. § 1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - A fee is required. A check in the amount of \_\_ is enclosed.
  - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_ is enclosed.
  - A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **514362000910**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 13, 2004

Respectfully submitted,

By: 

Mika Mayer  
Registration No. 47,777

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Telephone: (650) 813-4298  
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Form PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION  <i>(Use several sheets if necessary)</i>		Docket Number 514362000910	Application Number 10/829,019
		Applicant	Jamy GANNOE et al.
		Filing Date April 20, 2004	Group Art Unit Not Yet Assigned
		Mailing Date July 15, 2004	

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	04/04/2002	2002/0040226	Laufer et al.			
	2.	06/13/2002	2002/0072761	Abrams et al.			
	3.	06/27/2002	2002/0082621	Schurr et al.			
	4.	10/03/2002	2002/0143346	McGuckin, JR et al.			
	5.	12/19/2002	2002/0193816	Laufer et al.			
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	8.	06/12/2003	2003/0109892	Deem et al.			
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	27.	11/23/1993	5,263,629	Trumbull et al.			

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449 <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>		Docket Number 514362000910	Application Number 10/829,019
		Applicant Jamy GANNOE et al.	
		Filing Date April 20, 2004	Group Art Unit Not Yet Assigned
		Mailing Date July 15, 2004	

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		Applicant		Jamy GANNOE et al.		
		Filing Date April 20, 2004		Group Art Unit Not Yet Assigned		
		Mailing Date July 15, 2004				

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82.	05/06/2003	6,558,400	Deem et al.			

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		Applicant		Jamy GANNOE et al.		
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Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES      NO
	83.	03/19/1986	EP 0 174 843	Europe			
	84.	04/15/1999	WO 99/17662	WIPO			
	85.	10/28/1999	WO 99/53827	WIPO			
	86.	06/08/2000	WO 00/32137	WIPO			
	87.	12/28/2000	WO 00/78227	WIPO			
	88.	12/28/2000	WO 00/78229	WIPO			
	89.	03/28/2002	WO 02/024080	WIPO			
	90.	12/05/2002	WO 02/096327	WIPO			
	91.	01/30/2003	WO 03/007796	WIPO			
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	95.	01/15/2004	WO 2004/004542	WIPO			
	96.	03/11/2004	WO 2004/019787	WIPO			

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	97.	Wullstein, C. and Gross, E. (2000). "Compression Anastomosis (AKA-2) in Colorectal Surgery: Results in 442 Consecutive Patients," <i>British Journal of Surgery</i> 87:1071-1075.

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